

# EXHIBIT 4

ROUGH DRAFT ONLY

HIGHLY CONFIDENTIAL

OUTSIDE COUNSEL EYES ONLY

07:51:06 1 Reporter's Name: SANDRA L. ROCCA, CRR, CSR, RMR

2 -----  
3 REALTIME/INTERACTIVE ROUGH DRAFT TRANSCRIPT AND/OR  
4 UNCERTIFIED REALTIME ASCII DISCLAIMER

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6 IMPORTANT NOTICE:

7 - AGREEMENT OF PARTIES -

8  
9 PROCEEDING BEYOND THIS PAGE CONSTITUTES ACCEPTANCE  
10 OF AND AGREEMENT WITH THE FOLLOWING  
11 TERMS AND CONDITIONS

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14 We, the party working with realtime and rough  
15 draft transcripts and/or ASCII files, understand  
16 that if we choose to use the realtime rough draft  
17 screen, the rough printout, or the unedited ASCII  
18 file, that we are doing so with the understanding  
19 that all rough drafts are uncertified copies and...

20 WE AGREE THEY WILL BE BILLED TO  
21 AND PAID FOR BY US

22

23 We further agree not to comment in the record on,  
24 share, give, copy, scan, fax or in any way  
25 distribute this realtime rough draft or ASCII in any

14 form (written or computerized) to any party.  
However, our own experts, co-counsel, and staff may  
15 have limited internal use of same with the  
understanding that we agree to destroy our realtime  
16 rough drafts and/or any computerized form, if any,  
and replace it with the final transcript/ASCII file  
17 upon its completion.

18 REPORTER'S NOTE:

19 Since this deposition has been recorded by me in  
realtime and is in rough draft form, please be aware  
20 that there may be discrepancies regarding page and  
line number when comparing the realtime screen, the  
21 rough draft/uncertified transcript, rough  
draft/uncertified ASCII file, and the final  
22 transcript/ASCII file.

23 Also, please be aware that the realtime screen  
and the uncertified rough draft transcript/ASCII  
24 disk may contain untranslated steno, reporter's  
notes as parentheticals, misspelled proper names,  
25 incorrect or missing Q/A symbols or punctuation,  
and/or nonsensical English word combinations. All

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17:56:22 1

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17:56:32 8 Q Let me show you a document previously marked

17:56:41 9 as Plaintiffs' Exhibit 977.

17:56:46 10 (Document marked previously as

17:56:46 11 Exhibit 977 was presented.)

17:56:46 12 Q You'll see this has a list of names. Do you

17:57:01 13 see this?

17:57:01 14 A Yes, sir.

17:57:03 15 Q To your knowledge did any of the entities

17:57:07 16 listed on Plaintiffs' Exhibit 977 cause any harm or

17:57:10 17 injury to CDK?

17:57:13 18 MS. MILLER: Objection, form.

17:57:15 19 THE WITNESS: I don't even know what this

17:57:19 20 list is other than a list of clients potential or

17:57:24 21 prospects or just retailers in general. So I can't

17:57:28 22 comment if they caused harm or not. I don't know

17:57:31 23 any kind of relationship with them.

17:57:33 24 Q Well, are you aware of any DMS clients of

17:57:39 25 CDK that caused any financial harm or damage to the

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17:57:41 1 company?

17:57:41 2 MS. MILLER: Objection, form.

17:57:42 3 Q You may answer.

17:57:43 4 A Not to my knowledge.

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